

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RECEIVED

2008 JUL 15 A 9:09

ROBERT TWYMAN, JR. (#147435), )

Petitioner, )

vs. )

ALABAMA DEPARTMENT )  
OF CORRECTIONS, et al., )

Respondents. )

DEBRA P. JACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:06-CV-833-MEF

**RESPONSE TO PETITIONER'S NOTICE**

Come now Respondents in the above styled cause, by and through undersigned counsel, and submit this response to Petitioner's notice to "Federal Court of State Courts' hearing." (Doc. 61) Respondents state as follows:

1. Petitioner filed a notice making serious allegations against Respondents and undersigned counsel.
2. The Circuit Court of Talladega County has not requested that Respondents answer as Respondents responded to Petitioner's Writ of Mandamus on March 11, 2008. (Attached hereto as Exhibit1)
3. The Circuit Court of Talladega County has set the matter for June 9, 2008.
4. Petitioner states that he has not filed any pleading into the Circuit Court. Petitioner filed a Writ of Mandamus with the style of "In the Court of Criminal Appeals of Alabama;" however, this matter is in the Circuit Court of Talladega County. (Attached hereto as Exhibit 2)

Wherefore these premises considered, Respondents pray that this Honorable Court will take notice of Respondents' position on this matter.

Respectfully submitted,

Kim T. Thomas (THO115)  
Deputy Attorney General  
General Counsel



Tara S. Knee (KNE003)  
Assistant Attorney General  
Assistant General Counsel

**OF COUNSEL:**

Alabama Department of Corrections  
Legal Division  
P. O Box 301501  
Montgomery, Alabama 36130  
(334)353-3881  
FAX: (334)353-3891

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

Inmate Robert Twyman, Jr.  
AIS #147435  
Elmore Correctional Facility  
P.O. Box 8  
Elmore, Alabama 35025



Tara S. Knee (KNE003)  
Assistant Attorney General  
Assistant General Counsel



Petitioner has failed to meet the essential prongs for the issuance of a writ of mandamus.

4. That Petitioner does not have a clear legal right deny that he should not serve time on his sentence, particularly dead time.

*Ala. Code* §15-22-32(a) (1975) states:

Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, shall declare the prisoner to be delinquent, and time owed shall date from the delinquency. The warden of each prison shall promptly notify the board of the return of a paroled prisoner charged with violation of his or her parole. ... Upon revocation of parole, the board may require the prisoner to serve out in prison the balance of the term for which he or she was originally sentenced, calculated from the date of delinquency or the part thereof as it may determine. The delinquent parolee shall be deemed to have begun serving the balance of the time required on the date of his or her rearrest as a delinquent parolee.

Therefore, when Petitioner was declared delinquent, the time ran from that date until he was rearrested. In *Ivy v. State of Alabama*, 381 F. Supp. 503, 504 (S.D. Ala. 1974), it was held that “[b]y State law the time spent on parole is credited to one’s prison term.” (Citing *Summers v. State*, 31 Ala. App. 264, 15 So. 2d 500). “However, once a parolee is declared delinquent he is no longer serving his sentence in any capacity.” (*Ivy* at 504; citing *Anderson v. Corall*, 263 U.S. 193, 44 S.Ct. 43, 68 L.Ed. 247).

In this present case, Petitioner was declared delinquent on June 8, 1998. (Ex. 1) Petitioner was recaptured on February 13, 2004. (Ex. 1) Petitioner’s parole was revoked on April 14, 2004. (Ex. 1) During this time frame, Petitioner accumulated 5 years, 8 months, and 5 days of dead time that must be added to Petitioner’s sentence. (Ex. 1) Therefore, Petitioner’s minimum release date is correct.

5. That Respondent has properly calculated Petitioner’s sentence.

6. That the adequate remedy is through the form of a petition for writ of

habeas corpus, pursuant to *Ala. Code*, 1975, §15-21-4. The petition for writ of habeas corpus is to be heard in the county of confinement. In this present case, the county of confinement is Elmore County, Alabama.

Wherefore these premises considered, Respondent prays hat this Honorable Court will deny the Petitioner's Petition for a Writ of Mandamus and dismiss this cause.

Respectfully submitted,

Kim T. Thomas (THO115)  
Deputy Attorney General  
General Counsel



Tara S. Knee (KNE003)  
Assistant Attorney General  
Assistant General Counsel

**ADDRESS OF COUNSEL:**

Alabama Department of Corrections  
Legal Division  
Post Office Box 301501  
Montgomery, Alabama 36130  
(334) 353-3881

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading upon:

Inmate Robert Twymon  
AIS # 147435  
Elmore Correctional Facility  
P.O. Box 8  
Elmore, AL 36025

by placing same in the United States Mail, first class postage prepaid, and properly addressed March 11, 2008.



Of Counsel

IN THE COURT OF  
CRIMINAL APPEALS  
OF ALABAMA

Robert Twymon, Jr., AIS No. 147435  
Plaintiff

vs.

Alabama Department of Corrections, et al.  
Defendant

)  
)  
)  
)  
)  
)  
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CASE NO. CV-08-24

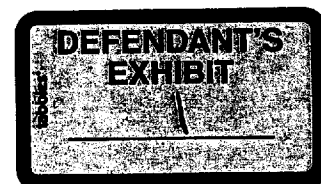
A F F I D A V I T

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared one Kathy Holt, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Kathy Holt. I am presently employed by the State of Alabama, Department of Corrections, as Correctional Records Director, 301 South Ripley Street Montgomery, Alabama 36104.

This is to certify that Robert Twymon, AIS No. 147435, was paroled May 27, 1996(Attachment #1), declared delinquent November 10, 1997(Attachment #2), recaptured January 22, 1998(Attachment #3), and continued on parole January 27, 1998 (Attachment #4). On June 8, 1998(Attachment #5), Inmate Twymon was declared delinquent, arrested February 13, 2004(Attachment #6) and revoked April 14, 2004(Attachment #7). The delinquency of June 8, 1998 was not voided, the inmate was revoked April 14, 2004. If the Pardon and Parole Board orders that the delinquency be voided and the inmate continued on parole, dead time is not accrued. However, if the Pardon and Parole Board revokes the inmate dead time will accrue from the date of delinquency until the date of recapture, as is in this situation when Inmate Twymon was declared delinquent June 8, 1998 and recaptured February 13, 2004 and revoked April 14, 2004.

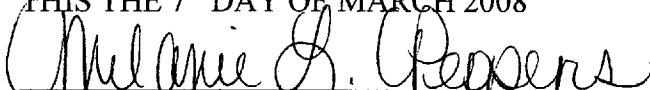
The fugitive warrant for inmate Twymon was issued June 9, 1998(Attachment #8) by the Alabama Department of Corrections, Pursuant to Code of Alabama, 1975 §15-22-31, it is the



responsibility of the Alabama Department of Corrections and not the Alabama Pardon and Parole Board to issue warrants for the retaking and return of prisoners.

  
KATHY HOLT  
DIRECTOR OF RECORDS

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS THE 7<sup>th</sup> DAY OF MARCH 2008

  
MELANIE L. PEPPERS, NOTARY PUBLIC

State of Alabama at Large  
My Commission Expires April 11, 2010

cc: ICRF

TO: Tara Knee, Legal Division



## State Board of Pardons and Paroles

Montgomery, Alabama

## Certificate of Parole

KNOW ALL MEN BY THESE PRESENTS:

It having been made to appear to the Alabama State Board of Pardons and Paroles that

Robert Twymon, Jr.#147,435

is eligible to be PAROLED, and that there is a reasonable probability that said prisoner WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of the said State Board of Pardons and Paroles that the release of this prisoner is not incompatible with the welfare of society, and it appearing further that the Board is satisfied that this prisoner will not become a public charge on release, but will be suitably employed at \_\_\_\_\_

to secure \_\_\_\_\_

and will live at 806 Ola Ave., Talladega, AL

and shall continue in the same until he obtains the permission of his Parole Officer to make a change. He shall go directly to Talladega and report immediately upon arrival to his Parole Officer at Room 204, Judicial Building

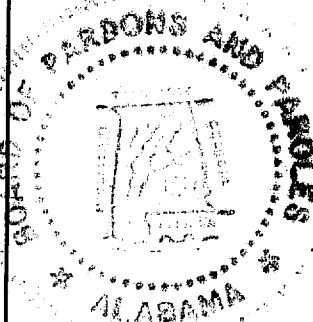
It is therefore ORDERED that said prisoner be, and is, hereby paroled pending good behavior under supervision subject to the specific conditions of parole listed on the reverse side of this Order.

In witness whereof this Certificate bearing the seal of the State Board of Pardons and Paroles is issued this the 27th day of May 1996

By Order of:

STATE BOARD OF PARDONS AND PAROLES

William C. Manning  
Executive Director





## STATE OF ALABAMA

BOARD OF PARDONS AND PAROLES  
Montgomery, Alabama 3613011/10/97

Date

## DECLARATION OF DELINQUENCY

TO THE DEPARTMENT OF CORRECTIONS:

TWYMAN, ROBERT JRNUMBER 147,435

who has heretofore been paroled, having this day been declared delinquent, you are directed to take said parolee into custody pending revocation hearing.

VIOLATION OF CONDITION NUMBER:

#7 AGGRAVATED ASSAULT

STATE BOARD OF PARDONS AND PAROLES

By: William L. Goring

Executive Director

Distribution:  
Original - Bd. File  
Field Office - GEORGIA  
Dept. of Corrections  
Control Book

1-27-88  
JLWJ  
DD NO ID



JOHN S. NETTLES  
Chairman of the Board

JUDITH C. O'CONNOR  
Associate Member

LOUIE F. GRIMES  
Associate Member

STATE OF ALABAMA  
BOARD OF PARDONS AND PAROLES  
Gordon Persons Building  
P O Box 302405  
Montgomery, Alabama 36130-2405  
Central Office - Plaza (205) 242-8700

JANUARY 27, 1998



WILLIAM C. YOUNG  
Executive Director

Department of Corrections  
Classifications & Records Director  
Gordon Persons Bldg. Third Floor  
50 North Ripley Street  
Montgomery, Alabama 36130


In re: ROBERT TWYMON, JR.  
147,435

Dear Sir:

On NOVEMBER 10, 1997 the above named subject was declared delinquent. The Board has this date ordered that the delinquency be voided, the warrant for his arrest be withdrawn, and that he be CONTINUED UNDER parole supervision.

Please mark your records to show the same action.

Sincerely,

  
Executive Director

WCY/cm

Distribution:

Original - File

DOC

ACJIC

Office - GEORGIA.

Control Book

## STATE OF ALABAMA

BOARD OF PARDONS AND PAROLES  
Montgomery, Alabama 361306/8/98

Date

## DECLARATION OF DELINQUENCY

TO THE DEPARTMENT OF CORRECTIONS:

ROBERT TWYMON JR.NUMBER 147,435

who has heretofore been paroled, having this day been declared delinquent, you are directed to take said parolee into custody pending revocation hearing.

VIOLATION OF CONDITION NUMBER:

7 AGGRAVATED ASSAULT7 DC

STATE BOARD OF PARDONS AND PAROLES

By: William C. Brown

Executive Director

Distribution:  
Original - Bd. File  
Field Office - GEORGIA  
Dept. of Corrections  
Control Book

NAME: TWYMON, ROBERT JR. SEX: M RACE: B DOB: 07/27/56 HAIR: BLK  
 HGT: 5/08 WGT: 178 OFF: ITY: PIC: DCA: 00147435 DOW: 06/09/98 EYES: BRO

FBI: 753419X11 SSAN: [REDACTED] OLN: OLS: OLY: SKN: DRK

FPC: SMT: 082/SC R HND 070/SC POB: AL  
 SMT: , , , , ,  
 SMT: , , , , ,  
 SMT: , , , , ,  
 SMT: , , , , ,

MIS: 809C/UNLAWFUL POSSESSIO \*809C/UNLAWFUL POSSESSIO \*021B/ASSAULT I

SID: 00750062 PAROLE DATE: 05/27/96 FROM: CATTLE RANCH

AKA: TWYMAN, ROBERT JR , /  
 , /  
 , /  
 , /  
 , /  
 , /

OLN: / / , / / , / / , / /  
 DOB: / / , / / , / / , / / , / / , / /

AIN: NIC: PRODUCT: CJP075

*Deportment 6/8/98*

*Talladega County Jail*

*SOA 213104*

*Attachment #6*

# STATE OF ALABAMA

## BOARD OF PARDONS AND PAROLES

### ACTION OF THE BOARD SUBSEQUENT TO PAROLE COURT

PAROLEE: Robert TwymonAIS # 147435

Parole Court was held before Reida Blount, Hearing Officer, on 3-9-04, at Talladega, Alabama. The Hearing Officer has filed a Report and Recommendation, as required by statute, and this Board has reviewed the detailed statement of evidence, the findings, and the reasons supporting those findings, which were:

CHARGES PROVEN. The Hearing Officer has determined that Charge(s) # \_\_\_\_\_ was/were proven to his reasonable satisfaction. His Report and Recommendation addressed the evidence of mitigating circumstances, as well as the evidence that conditions of parole were violated. The record further reflects that an acceptable parole plan is in place which offers the parolee a reasonable possibility of living and remaining at liberty without violating the law. It is, therefore, recommended that Parolee be RE-INSTATED to a satisfactory program.

It is recommended that the following additional conditions be imposed to improve the likelihood that the parolee will remain at liberty without violating the law:

X CHARGES PROVEN. The Hearing Officer has determined that Charge(s) # 1-3 was/were proven to his reasonable satisfaction. His Report and Recommendation addressed the evidence of mitigating circumstances, as well as evidence that conditions of parole were violated. It is, therefore, recommended that parole be REVOKED in this case.

Comes now the Board of Pardons and Paroles at Open Public Meeting, and after considering all evidence from Parole Court, including any mitigating circumstances, orders:

#### BOARD INITIALS

Continued to \_\_\_\_\_  
(date)

Taken under advisement

That parole be REVOKED and given further consideration in 5-05.

That parole be revoked since a satisfactory plan has not been submitted within a reasonable amount of time and for reasons addressed in parole court and given further consideration in \_\_\_\_\_.

That the order of delinquency is void and parolee is RE-INSTATED on parole with the following SPECIAL CONDITIONS: \_\_\_\_\_

Distribution Date 4-15-04 to:

APR 16 2004

Original - Board File  
Parole Office Talladega - Hill  
Parolee Robert Twymon  
DOC  
ACJIC

Chairman of the Board

4-14-04 Date

Member of the Board

4-14-04 Date

Member of the Board

Date

STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

CENTRAL RECORDS DIVISION  
1400 LLOYD STREET  
P.O. BOX 301501  
MONTGOMERY, ALABAMA 36130-1501  
(334) 240-9500

JUN 9, 1998

TO: Joe Kuebler, CA  
Board of Pardons & Paroles  
Fifth Floor, East Tower  
2 Martin Luther King Jr. Drive  
Atlanta, GA 30334

RE: THYMON, ROBERT JR  
DOB: 07/27/56 R/S: B/M AIS #: 00147435

DEAR SIR/MADAM:

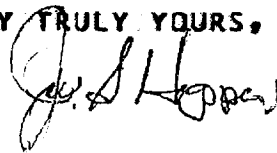
ENCLOSED IS OUR FUGITIVE WARRANT, FINGERPRINTS AND PHOTOGRAPH OF THE ABOVE NAMED PAROLE VIOLATOR. THE STATE BOARD OF PARDONS AND PAROLES HAS CAUSE TO BELIEVE THAT THE ABOVE NAMED PAROLED PRISONER HAS LAPSED, OR IS ABOUT TO LAPSE, INTO CRIMINAL WAYS OR COMPANY, OR HAS VIOLATED CONDITIONS OF HIS PAROLE IN AN IMPORTANT RESPECT ON JUN 5, 1998, AND IS NOW WANTED BY THIS DEPARTMENT. PLEASE USE OUR WARRANT AS A DETAINER AND ADVISE WHEN THIS SUBJECT WILL BE AVAILABLE FOR OUR AGENT(S) TO OBTAIN CUSTODY FOR HIS RETURN TO THE ALABAMA PRISON SYSTEM. WE WILL EXTRADITE.

IF OUR FUGITIVE WARRANT IS NOT EXECUTED WITHIN SIXTY (60) DAYS, PLEASE RETURN SAME TO THIS OFFICE.

FOR COORDINATION OR INQUIRIES REGARDING THIS CASE, PLEASE CONTACT: DIRECTOR, CRIMINAL RECORDS ADMINISTRATION, AT THE ABOVE ADDRESS OR TELEPHONE NUMBER.

THANKING YOU FOR YOUR COOPERATION IN THIS MATTER OF MUTUAL INTEREST, I AM

VERY TRULY YOURS,



JOE S. HOPPER, COMMISSIONER  
ALABAMA DEPARTMENT OF CORRECTIONS

ENCLOSURES

A L A B A M A D E P A R T M E N T O F C O R R E C T I O N S

SHERIFF'S CERTIFICATE TO ALABAMA DEPARTMENT OF CORRECTIONS UNDER ACT 184,  
ALABAMA STATE LEGISLATURE, SIGNED BY THE GOVERNOR, AUGUST 23, 1976.

TO: DEPARTMENT OF CORRECTIONS OF THE STATE OF ALABAMA.

I HEREBY CERTIFY AS FOLLOWS:

NAME: TWYMON, ROBERT JR AIS#: 00147435 R/S: B/M DOB: 07/27/56

THE ATTACHED FUGITIVE WARRANT ON THE ABOVE NAMED PAROLE VIOLATOR WAS EXECUTED  
BY THIS OFFICE AS FOLLOWS:

DETACH FROM DEPARTMENT OF CORRECTIONS WARRANT, COMPLETE ALL APPLICABLE ITEMS,  
AND RETURN AT ONCE).

- . DATE INCARCERATED IN COUNTY JAIL:
- . DATE WARRANT EXECUTED:
- . LOCAL CHARGES PENDING: (Y) (N) (CIRCLE ONE--IF YES, COMPLETE ITEM #4).
- . WARRANTS ATTACHED FOR DETAINER: (Y) (N) (TO BE MAILED) CIRCLE ONE.
- . SUBJECT (IS) (IS NOT) READY FOR PICKUP BY DEPARTMENT OF CORRECTIONS AGENTS.
- . IF SUBJECT IS NOT READY FOR PICKUP, PLEASE STATE REASON. WHEN SUBJECT IS  
READY FOR PICKUP, NOTIFY THIS OFFICE BY TELEPHONING (334) 240-9500.

DEFENDANT WAS NOT INCARCERATED IN THE COUNTY JAIL UNDER SAID WARRANT FOR ANY  
PERIOD(S) OF TIME OTHER THAN THOSE WHICH ARE SET FORTH ABOVE.

THIS THE DAY OF , 19 .

SIGNATURE:

SHERIFF OF COUNTY, AL.

NOTES:

. MAIL ORIGINAL OF THIS FORM AT ONCE TO: DEPARTMENT OF CORRECTIONS, CENTRAL  
RECORDS DIVISION, 1400 LLOYD STREET, P.O. BOX 301501, MONTGOMERY AL 36130-1501

. RETAIN OUR WARRANT IN YOUR FILE AS A DETAINER.

. IF SUBJECT ESCAPES FROM YOUR JAIL, IMMEDIATELY NOTIFY STATON COMMUNICATIONS  
CENTER (334) 567-2221 AND THIS OFFICE AT (334) 240-9500 FOLLOWED BY WRITTEN  
CONFIRMATION TO THIS OFFICE.



S T A T E   O F   A L A B A M A

## DEPARTMENT OF CORRECTIONS

## FUGITIVE WARRANT

0: ANY PEACE OFFICER.

WHEREAS TWYMON, ROBERT JR, SERIAL NUMBER 00147435, WAS CONVICTED  
IF THE OFFENSES SPECIFIED ON PAGE 2 OF THIS WARRANT; THAT THE SAID CONVICT  
AS SENTENCED TO IMPRISONMENT IN THE ALABAMA STATE PENITENTIARY FOR A TERM OF  
25 YEARS, 0 MONTHS, AND 1 DAYS; THAT THE SAID CONVICT WAS THEREUPON CONFINED  
IN SAID PENITENTIARY IN ACCORDANCE WITH SAID SENTENCE: THAT THE SAID CONVICT  
HEREAFTER AND TO WIT: ON THE 27TH DAY OF MAY, 1996, THE SAID CONVICT  
AS PAROLED BY THE STATE BOARD OF PARDONS AND PAROLES, PENDING GOOD BEHAVIOR:  
WHEN ON THE 5TH DAY OF JUN, 1998, THE STATE PARDONS AND PAROLE BOARD, HAVING  
REASONABLE CAUSE TO BELIEVE THAT SAID PRISONER HAS LAPSED, OR IS ABOUT TO LAPSE,  
IN CONTACT WITH CRIMINAL WAYS OR COMPANY OR HAS VIOLATED CONDITIONS OF HIS PAROLE IN AN  
IMPORTANT RESPECT, ORDERED SAID PAROLEE ARRESTED AND RETURNED TO THE CONFINEMENT OF  
THE PENITENTIARY TO APPEAR BEFORE THE STATE BOARD OF PARDONS AND PAROLES WHO  
WILL DETERMINE THE PAROLE STATUS OF SAID PAROLEE.

• WHEREFORE, THE UNDERSIGNED OF THE DEPARTMENT OF CORRECTIONS BY VIRTUE OF THE AUTHORITY CONFERRED UPON HIM BY THE STATE OF ALABAMA, DOES HEREBY AUTHORIZE AND DIRECT YOU TO RETAKE THE SAID PAROLE VIOLATOR WHEREVER HE MAY BE FOUND, FOR HIS RETURN TO THE SAID STATE DEPARTMENT OF CORRECTIONS, SITUATED IN MONTGOMERY IN THE STATE OF ALABAMA.

N TESTIMONY THEREOF, I HAVE HEREUNTO SET MY HAND AND THE SEAL OF THE DEPARTMENT  
F CORRECTIONS THIS 9TH DAY OF JUN, 1998.

JOE S. HOPPER, COMMISSIONER  
ALABAMA DEPARTMENT OF CORRECTIONS

PLEASE COMPLETE THE SECTION BELOW AND DELIVER TO AGENT(S) RECEIVING PRISONER.

TATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ THIS WRIT CAME TO HAND \_\_\_\_\_,  
ND NOTIFYING THE STATE DEPARTMENT OF CORRECTIONS BY WIRE THAT THE PRISONER WAS  
AVAILABLE FOR TRANSFER TO THE STATE OF ALABAMA, DEPARTMENT OF CORRECTIONS, AND  
HAT EXTRADITION WAS \_\_\_\_\_/WAS NOT \_\_\_\_\_ NECESSARY.

HE ABOVE LISTED CONVICT NAMED IN THIS WRIT WAS DELIVERED TO  
CORRECTIONS ON \_\_\_\_\_, 19\_\_\_\_, AGENT(S) OF THE STATE DEPARTMENT OF  
FOR REMOVAL TO THE STATE OF ALABAMA.

ARRESTING OFFICER

IDENTIFICATION OFFICER

RECEIVED OF \_\_\_\_\_, AGENT(S) THE CONVICT, AIS # 00147435 ,  
DATED IN THIS WRIT. THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_.

\* \* \* \* \* P A G E 2 \* \* \* \* \*

DATE: 09 JUN, 1998 NAME: TWYMON, ROBERT JR SERIAL NUMBER: 00147435  
 \*\*\*\*\* OFFENSES FOR WHICH THIS FUGITIVE WAS CONVICTED \*\*\*\*\*

<><><>	OFFENSE	<><><>	SENTENCE DATE	SENTENCE TERM	SENTENCING COUNTY	CS/CC
INLAWFUL	POSSESSION CONTROL	SUBSTANCE	06/30/87	5/00/00	TALLADEGA	CC
SSAULT I			05/18/89	20/00/01	TALLADEGA	CS
INLAWFUL	POSSESSION CONTROL	SUBSTANCE	06/30/87	5/00/00	TALLADEGA	CS

\* \* \* \* \* E N D P A G E 2 \* \* \* \* \*

C8R716-2

ALABAMA DEPARTMENT OF CORRECTIONS  
INMATE SUMMARY AS OF 03/03/2008

CODE: CRSUM

\*\*\*\*\*

AIS: 00147435 INMATE: TWYMON, ROBERT JR RACE: B SEX: M  
 INST: 069 - ELMORE CORRECTIONAL FACILITY DORM: 00 JAIL CR: 000Y 00M 05D  
 DOB: 07/27/1956 SSN: XXXXXXXXXX  
 ALIAS: TWYMAN, ROBERT JR

ADM DT: 03/28/1987 DEAD TIME: 005Y 08M 05D

ADM TYP: NEW COMIT FROM CRT W/O REV OF STAT: PAROLE REVOKED

CURRENT CUST: MIN-9 CURRENT CUST DT: 01/28/2008 PAROLE REVIEW DATE: FEB 2009

SECURITY LEVEL: (1) ONE

SERVING UNDER ACT446 LAW IN CLASS IV CURRENT CLASS DATE: 12/28/1989  
 INMATE IS EARNING : PROHIBITED FROM EARNING GOODTIME

COUNTY	SENT DT	CASE NO	CRIME	JL-CR	TERM
TALLADEGA	06/30/87	N87000124	POSS CONTROL SUBSTANCE	* 0005D	005Y 00M 00D CS
	COURT COSTS : \$0000158		FINES : \$0000000	RESTITUTION : \$0000075	
TALLADEGA	06/30/87	N87000123	POSS CONTROL SUBSTANCE	* 0005D	005Y 00M 00D CC
	COURT COSTS : \$0000178		FINES : \$0000000	RESTITUTION : \$0000025	
TALLADEGA	05/18/89	N89000070	ASSAULT I	0000D	020Y 00M 01D CS
	ATTEMPT TO COMMIT				
	ATTORNEY FEES : \$000000		HABITUAL OFFENDER : Y		
	COURT COSTS : \$0000645		FINES : \$0000000	RESTITUTION : \$0000025	

TOTAL TERM	MIN REL DT	GOOD TIME BAL	GOOD TIME REV	LONG DATE
025Y 00M 01D	09/04/2015	000Y 00M 00D	000Y 00M 00D	02/28/2018

INMATE LITERAL:

\*\*\*\*\*

## DETAINER WARRANTS SUMMARY

>DET WRT 03/29/2004 TYPE COUNTY WARRANT TALLADEGA COUNTY S.O.  
 LITERAL: CONTEMPT CT/FTA/OWES CHILD SUP SEQ #: 03 CASE #: CS#87-339  
 OFFENSE: 000 - UNKNOWN

\*\*\*\*\*

## ESCAPEE-PAROLE SUMMARY

PAROLED FRM 009:05/27/96 RVK:04/14/04 DELQ:06/08/98 RECAP:02/13/04 RTN:02/13/04

INMATE CURRENTLY HAS NO PROBATION 754 RECORDS

INMATE HAS NO ESCAPES FROM ALABAMA D.O.C.  
 SINCE D.B.S.C.I.S. RECORDING BEGAN IN 1978

CONTINUED ON NEXT PAGE

## ALABAMA DEPARTMENT OF CORRECTIONS

CBR716-2

INMATE SUMMARY AS OF 03/03/2008

CODE: CRSUM

\*\*\*\*\* CONTINUATION \*\*\*\*\*

AIS: 00147435 INMATE: TWYMON, ROBERT JR RACE: B SEX: M

\*\*\*\*\*

## DISCIPLINARY/CITATION SUMMARY

>> DISCIPLINE: 07/12/2007 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9  
DISCIPLINE TYPE: MAJOR AT INST: 069 RULE NUMBER: 56  
RETAINED DAYS: 0000 SEQ #: 06 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>> DISCIPLINE: 03/09/2006 TIME LOST: 00Y00M00D CUST FROM MED9 TO MED9  
DISCIPLINE TYPE: MAJOR AT INST: 037 RULE NUMBER: 50  
RETAINED DAYS: 0000 SEQ #: 05 RULE LIT: BEING IN AN UNAUTHORIZED AREA

>> DISCIPLINE: 02/23/1993 TIME LOST: 00Y00M00D CUST FROM MIN9 TO MIN9  
DISCIPLINE TYPE: MAJOR AT INST: 069 RULE NUMBER: 56  
RETAINED DAYS: 0000 SEQ #: 04 RULE LIT: FAIL TO OBEY A DIRECT ORDER OF DO

>GOOD TIME 06/19/1989 AMT GT RESTORED 00Y02M00D CUST FROM MED3 TO MED3  
GOOD FROM 00/00/0000 TO 00/00/0000 SEQ #: 03

>GOOD TIME 03/09/1989 AMT GT RESTORED 00Y02M00D CUST FROM MED3 TO MED3  
GOOD FROM 00/00/0000 TO 00/00/0000 SEQ #: 02

>> DISCIPLINE: 05/02/1988 TIME LOST: 00Y04M00D CUST FROM COM2 TO COM5  
DISCIPLINE TYPE: MAJOR AT INST: 161 RULE NUMBER: E7  
RETAINED DAYS: 0180 SEQ #: 01 RULE LIT: BEING ARRESTED/CONVICTED OF A FEL

AVS0350

ALABAMA JUDICIAL DATA CENTER  
TALLADEGA COUNTY

SUMMONS

CV 2008 000024.00

IN THE CIRCUIT COURT OF TALLADEGA COUNTY

ROBERT TWYMAN, JR VS ALA DEPT OF CORRECTIONS

SERVE ON: (D004)

SSN: 000-00-0000

PLAINTIFF'S ATTORNEY

ATTORNEY GENERAL OFFICE  
TROY KING  
11 SOUTH UNION ST  
MONTGOMERY, AL 36130-0152

\*\*\* PRO SE \*\*\*

TO THE ABOVE NAMED DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS, YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFFS ATTORNEY(S) SHOWN ABOVE OR ATTACHED:

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE CLERK OF THIS COURT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY EITHER RULES 4.1(B)(2) OR 4.2(B)(2) OR 4.4(B)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE: YOU ARE HEREBY COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT IN THIS ACTION UPON DEFENDANT.

( ) THIS SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF \_\_\_\_\_ PURSUANT TO RULE 4.1(C) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

DATE: 02/04/2008

CLERK: CLARENCE HAYNES  
P. O. BOX 6137  
TALLADEGA AL 35161  
(256) 761-2102

RETURN ON SERVICE:

( ) CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) \_\_\_\_\_  
(RETURN RECEIPT HERETO ATTACHED)

( ) I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND COMPLAINT TO \_\_\_\_\_  
IN \_\_\_\_\_ COUNTY, ALABAMA ON (DATE) \_\_\_\_\_

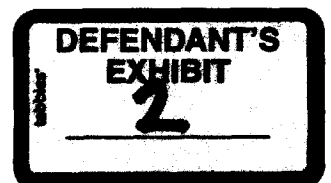
DATE

SERVER SIGNATURE

SERVER ADDRESS

TYPE OF PROCESS SERVER

OPERATOR: ALS  
PREPARED: 02/04/2008



IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

Ex Parte Robert Twyman, Jr. \*

Petitioner, \*

RE: Robert Twyman, Jr., \*

Plaintiff, \*

Vs. \*

Alabama Department of  
Department of Corrections, *et al.*, \*

Defendants. \*

~~CR-03-21~~  
~~Case No. CR-07-0396~~  
C008 - 24

2007 DEC 19 PM 3:25  
CLARK COUNTY  
CIRCUIT CLERK

PETITION FOR WRIT OF MANDAMUS

Comes Now, Robert Twyman, Jr. and petitions the above-named Court for a writ of mandamus to the Alabama Department of Corrections (ALDOC) and shows the following in support of this petition.

ISSUE I

On January 6, 2005, petitioner filed a writ of habeas corpus into the Circuit Court of Bibb County, Alabama. Several violations of illegal detention were alleged, however the writ was dismissed an appeal followed. On October 21, 2005, this Court gave memorandum opinion of *Twyman v. State*, CR-04-1744.

2008 JAN 04 PM 3:40  
CLARK COUNTY  
CIRCUIT CLERK

ISSUE II

In the opinion, p.2, this Court stated: "Twyman was remanded to the custody of the Alabama Department of Corrections to serve the remaining 5 years, 8 months and 5 days of this prior sentence."

Respondents have failed to follow this Court's opinion.

ISSUE III

Petitioner requests this Court to invoke jurisdiction of this matter and order the ALDOC to follow this prior opinion concerning the "dead time" 5 years, 8 months and 5 days. "The ALDOC loses all supervisory jurisdiction over petitioner the date of the expiration of the maximum term of the sentenced imposed". Respondents are disobeying the Circuit Court of Talladega County, Alabama order that gave them supervisory jurisdiction of the petitioner. The Circuit Court ordered a 25 years and 1 day sentence,

expiring on/or about December 25, 2009. Respondents have recalculated the expiration date to be September 4, 2015.

ISSUE IV

Petitioner has made numerous attempts to the ALDOC classification and Central Records Division to correct this error, but with no avail. This Court entered its opinion; however, respondents have acted in an arbitrary and capricious manner, by refusing to acknowledge the opinion. As an executive branch of the government, there's an imperative duty upon the respondents to perform the judicial branch authoritative directions. Petitioner's without an adequate remedy.

"Mandamus can be used to prevent a gross disruption of the administration of criminal justice." See *State v. McKinney*, 727 So.2d 893 (Ala.Crim.App. 1988).

ISSUE V

Enclosed is a copy of petitioner's ALDOC Inmate Summary, showing respondents added 5 years, 8 months and 5 days, "dead time" to the 25 years and 1 day sentence. This shows respondents has recalculated the expiration of the maximum sentence without any consideration of this court's opinion of CR-04-1744 and beyond the commands of the Circuit Court of Talladega County, Alabama.

CONCLUSION

WHEREFORE, the premises considered, Petitioner prays that the Alabama Court of Criminal Appeals grant the petition and order that an answer to the petition be filed by respondents.

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on 12-13-07.

Robert Turman Jr.  
Signature of Petitioner

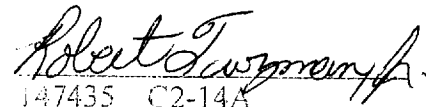
SWORN TO AND SUBSCRIBED before me this the 13<sup>th</sup> day of December 2007.

Robert A. Eco  
Notary Public

8-13-08  
My Commission Expires:

CERTIFICATE OF SERVICE

I certify that on this 13 day of December 2007, I served a true and correct copy of this petition on the following interested parties, by placing the same in the U.S. Mail postage prepaid and properly addressed.



147435 C2-14A  
P.O. Box 8  
Elmore, Alabama 36025

ALDOC  
Legal Division  
Kim Thomas  
P.O. Box 301501  
Montgomery, Alabama  
36130-1501

Attorney General Office  
State of Alabama  
Troy King  
11 South Union Street  
Montgomery, Alabama  
36130-0152

Circuit Clerk's Office  
Talladega County Circuit Court  
P.O. Box 6137  
Talladega, Alabama  
35161-6137

Circuit Clerk's Office  
Bibb County Circuit Court  
P.O. Box 185  
Centreville, Alabama  
35042-0185

Circuit Judge  
Hon. Thomas Ap Roger Jones,  
P.O. Box 1225  
Selma, Alabama  
36702-1225

District Attorney  
Hon. Michael W. Jackson  
404 Selma Avenue  
Selma, Alabama  
36702